APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,566	02/21/2001	Tsuneyuki Kikuchi	Q63195	5930

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/788,566	KIKUCHI, TSUNEYUKI
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-9,11,14-20 and 22-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-9, 11, 14-20, and 22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1> This action is in response to Applicant's amendment and arguments, filed 5.22.2007.

Claims 3, 4, 8, 14, 15, and 19 are amended. Claim 25 is added. Claims 3-9, 11, 14-20, and 22-25 are

presented for further examination.

2> This is a final rejection.

Response to Arguments

3> Applicant's arguments have been fully considered but they are not persuasive.

Applicant characterizes a feature of his application as monitoring an interval at which a

packet arrives at the terminal server from a terminal, or arrives at a terminal of an end-user

from the application server. If the interval satisfies a rule, the packet monitor device makes

an annunciation to the end-user.

It should first be noted that Applicant's characterization of the feature does not reflect

the claim language. The claim recites that the first time is the time of arrival of a packet

transmitted from one of said application server. The second time is the time or arrival when

packets meeting said monitoring. Thus the interval is between the time of arrival of a packet

transmitted from one of said application and the time of arrival of packets meeting said

monitoring parameter. Then there is an annunciation when the *rule has been satisfied within*

the interval, not as Applicant asserts, whether the interval satisfies a rule.

Abraham teaches this claimed feature. Specifically, Abraham teaches an analyzer

which monitors a second time at which packets meeting said monitoring parameter arrive,

and determines whether any rule has been satisfied in an interval in said second time

[column 7 «lines 51-67» | column 9 «lines 51-65» | column 47 «lines 14-24» | column 41 «line

53» to column 42 «line 42»] and an annunciator which makes annunciation to said user when

there is a certain rule in said interval [Figure 26 | column 11 «lines 53-64» | column 13 «lines

62-67].

Claims 8, 14 and 19 recite similar features and therefore are unpatentable for the same

reasons discussed above.

As to claims 4, 5, 15 and 16, they have been amended with new limitations and are

rejected in view of new prior art cited below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4>   Claims 4 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. If Applicant disagrees with the following rejections, Applicant should

specify the sections in the specification that provide description or support for the disputed

features.

a.   Claims 1 and 14 are rejected because they recite the feature determining

whether any rule has been "satisfied" in an interval. Applicant's specification is

devoid of any support or description for this feature.

b.   Applicant amends claims 4 and 15 with a feature directed towards monitoring

an interval between which packets arrive at said end-user from said application server

and vice versa, and making an annunciation when said interval is constant. The

Office was unable to find any support or description for this feature in Applicant's

specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

5>   Only those claims that have been amended by Applicant are formally addressed in

this action. The text of those claims not formally addressed here, of Title 35, U.S. Code not

included in this action can be found in a prior Office action.

6>   Claims 3, 6-9, 11, 14, 17-20 and 22-25 are rejected under 35 U.S.C §103(a) as being

unpatentable over Abraham et al, U.S Patent No. 5.983.270 ["Abraham"], in view of Nickles,

U.S Patent No. 6.134.591.

7>   As to claim 1, Abraham discloses a system for monitoring packets transmitted on a

channel connecting an application server and an end-user of said application server to each

other, comprising:

a certification server which certificates the end-user [column 5 «line 63» to column 6

«line 4»]; and

a packet monitor device which, on receipt of a request from said certification server,

monitors packets transmitted on said channel [column 1 «lines 13-17» | column 7 «lines 51-

67»],

wherein said certification server includes:

a first memory which stores a user management table including ID numbers of

end-users, a monitoring parameter designating a packet to be monitored, a threshold

parameter designating a method of monitoring said packet [Figures 9D, 17, 25A, 25B :

notify rule, log rule | column 15 «lines 35-40»]; and

a second device which transmits a request to said packet monitor device to

start or finish monitoring said packet at a timing when said end-user logs-in or logs-

out the terminal [column 9 «lines 1-10»];

wherein said packet monitor device includes:

a fourth memory which stores a first time at which a packet transmitted from one of

said application server and said user arrives, when said packet monitor device receives a

request from said second device to monitor said packet [Figure 20 | column 47 «lines 14-24» |

see also response to arguments above];

an analyzer which monitors a second time at which packets meeting said monitoring parameter arrive, and determines whether any rule has been satisfied in an interval between said first time and said second time [column 7 «lines 51-67» | column 9 «lines 51-65» | column 47 «lines 14-24» | column 41 «line 53» to column 42 «line 42»]; and

an annunciator which makes annunciation to said user when there is a certain rule in said interval [Figure 26 | column 11 «lines 53-64» | column 13 «lines 62-67].

Abraham does not expressly disclose storing a password in the table or a threshold parameter or a threshold parameter designating a method of monitoring said packet.

8>   Abraham does disclose storing user's information, including the user's ID and access level [column 16 «lines 6-9»]. Additionally, as is well known in the art, Abraham also discloses the feature whereby a user logs on to his terminal using a password [column 5 «lines 63-67» | see also response to arguments above]. In a related field of invention, Nickles discloses a management database that stores usernames with their respective passwords for the same purpose as Abraham [Figure 7 «item 708a» | column 6 «lines 7-17»]. Therefore it would have been obvious to one of ordinary skill in the art to have reasonably inferred that Abraham's management table would contain passwords. Such a feature is implied by Abraham because he teaches that a user is monitored only after logging into the LAN. One of ordinary skill in the art would understand this to include submitting a user ID and a password as is well known in the art. Thus, passwords are stored with user IDs, as further evinced by Nickles.

9>   As to claim 8, Abraham discloses a method of monitoring packets transmitted on a

channel connecting an application server and an end-user of said application server to each

other, comprising the steps of:

acquiring a monitoring parameter indicative of a packet to be monitored, when said

end-user logs-in his|her terminal [column 5 «line 63» to column 6 «line 4»];

monitoring a time at which packets coincident with said monitoring parameter arrive,

and determining whether there is any rule in an interval between a time when the

monitoring parameter is acquired said arrival time [column 7 «lines 51-67» | column 11 «lines

53-64» | column 41 «line 53» to column 42 «line 42»];

making annunciation to said end-user when there is a certain rule in said interval

[column 13 «lines 61-67»],

wherein said monitoring parameter is included in a user management table which

further includes an ID number of said user and a threshold parameter designating a method

of monitoring said packet [Figures 9D, 17, 25A, 25B : notify rule, log rule | column 15 «lines 35-

40»], and said step includes the steps of:

retrieving said user management table, based on said ID number input by said end-

user [column 8 «lines 13-25» | column 16 «lines 12-19» : user must log in to the LAN before

monitoring begins – process of logging in submits his user ID];

acquiring said monitoring parameter, if said monitoring parameter is stored in said

user management table [Figure 17 : user rules]; and

acquiring said threshold parameter, if said threshold parameter is stored in said user management table [Figures 17, 25B : user policies such as quota limit | column 34 «lines 11-58»].

Abraham does not disclose storing a password related to the users.

10>   Abraham does disclose storing user's information, including the user's ID and access level [column 16 «lines 6-9»]. Additionally, as is well known in the art, Abraham also discloses the feature whereby a user logs on to his terminal using a password[column 5 «lines 63-67»]. In a related field of invention, Nickles discloses a management database that stores usernames with their respective passwords for the same purpose as Abraham [Figure 7 «item 708a» | column 6 «lines 7-17»]. Therefore it would have been obvious to one of ordinary skill in the art to have reasonably inferred that Abraham's management table would contain passwords. Such a feature is implied by Abraham because he teaches that a user is monitored only after logging into the LAN. One of ordinary skill in the art would understand this to include submitting a user ID and a password as is well known in the art. Thus, passwords are stored with user IDs, as further evinced by Nickles.

11>   As to claim 14, as it is merely directed to a medium that stores the system of claim 3, it does not teach over the claimed limitations. Therefore claim 14 is rejected for the same reasons set forth for claim 3.

12>   As to claim 19, as it is merely directed to a medium that stores the system of claim 8,

it does not teach over the claimed limitations. Therefore claim 19 is rejected for the same

reasons set forth for claim 8.

13>   As to claim 25, Abraham discloses the packet monitor is located in the channel

between the application server and the end-user [Figure 2 «item 50»].

14>   As to claims 6, 7, 9, 11, 17, 18, 20, and 22-24, see previous Office action.

15>   Claims 4, 5, 15 and 16 are rejected under 35 U.S.C §103(a) as being unpatentable over

Abraham in view of Engel et al, U.S Patent No. 6.115.393.

16>   As to claim 4, Abraham discloses a system for monitoring packets transmitted on a

channel connecting an application server and an end-user of said application server to each

other, comprising:

         a certification server which certificates the end-user [column 5 «line 63» to column 6

«line 4»]; and

         a packet monitor device which, on receipt of a request from said certification server,

monitors packets transmitted on said channel [column 1 «lines 13-17» | column 7 «lines 51-

67»],

         wherein said certification server includes:

a first memory which stores a user management table including ID numbers of

end-users, a monitoring parameter designating a packet to be monitored, a threshold

parameter designating a method of monitoring said packet [Figures 9D, 17, 25A, 25B :

notify rule, log rule | column 15 «lines 35-40»];

a second device which transmits a request to said packet monitor device to start or

finish monitoring said packet at a timing when said end-user logs-in or logs-out the terminal

[column 9 «lines 1-10»]; and

wherein said packet monitor device monitors an interval between which packets

arrive at said end-user from said application server and vice versa [column 9 «lines 56-65»],

and said certification server makes annunciation to said end-user if said interval is constant

[column 13 «lines 61-67»].

Abraham does disclose annunciating when an end-user has violated his policy or rule

but does not expressly disclose that the rule is directed to if the interval is constant.

However, Abraham discloses that policies can be created by an administrator and it is a

matter of choice the type of rules being implemented at the packet monitor [abstract |

column 2 «lines 38-53»]. Therefore, it would have been obvious to one of ordinary skill in the

art to have included such a rule into Abraham's system.

Abraham does not disclose that the monitoring and threshold parameters are updated

by instruction of the end-user.

17>   Engel discloses a network monitoring system. Engel discloses that monitoring and

threshold parameters that dictate what packets are to be monitored are controlled by an end-

user [column 30 «line 55» to column 31 «line 13»]. It would have been obvious to one of

ordinary skill in the art to modify Abraham to include Engel's functionality. One would

have been motivated to provide such functionality to enable all network users to modify

parameters associated with the monitors of a network; this capability is "normally the

prerogative of the system administrator" and thus Engel's teachings would benefit

Abraham's network monitoring system.

18>   As to claim 5, see previous Office action.

19>   As to claims 15 and 16, as they do not teach or further define over previously claimed

limitations, they are rejected for at least the same reasons set forth for claims 4 and 5,

respectively.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any
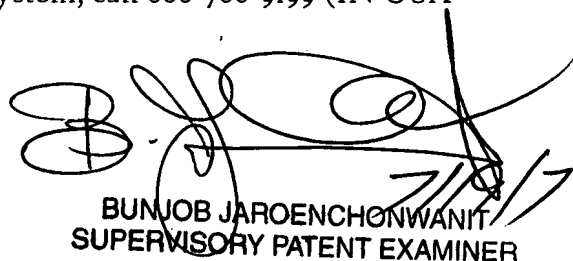
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA

OR CANADA) or 571-272-1000.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

DC